

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3154 of 2005

Between:

Kotha Kamalamma, D/o. Yesobu,
Doddavaram, Doddavaram (V), Maddipadu Mandal,

Prakasam District.

..... PETITIONER

AND

The Mandal Revenue Officer, Maddipadu, Maddipadu Mandal, Prakasam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the respondent i.e. MRO Maddipadu, Prakasam District in not accepting the pay order dt. 15-2-2005 drawn on Pinakini Grameena Bank, Ongole infavour of APSCSC Ltd., Ongole for a sum of Rs. 44,900/- submitted by the petitioner on 15-2-2005 for the release of E.Cs. in respect of Doddavaram F.P. Shop of the petitioner as illegal arbitrary, and without jurisdiction and further issue a writ, order or direction, one in the nature of MANDAMUS and directing the respondent i.e., M.R.O. Maddipadu to order release of the E.Cs. regularly to the petitioner by accepting the said by order.

Counsel for the Petitioner: MR.I.GOPAL REDDY

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner is functioning as a dealer for the fair price shop of Doddavaram Village, Maddipadu Mandal, Prakasam District. He claims that he has taken out a pay order for a sum of Rs.44,900/- in the name of A.P.State Civil Supplies Corporation Limited, for the purpose of lifting the stock for the month of February, 2005. His grievance is that the Mandal Revenue Officer, the respondent herein, is refusing to accept the same and release the essential commodities.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The very purpose of appointing a dealer for a fair price shop is to enable him to supply the essential commodities to cardholders. As long as the authorization in favour of a dealer subsists, he is entitled to be supplied the essential commodities. There does not exist any justification for any authority to refuse to lift the stock of the essential commodities or to supply the same, even while the authorization subsists.

Hence, the writ petition is disposed of, directing the respondents to accept the pay order taken out by the petitioner and supply the essential commodities, if the authorization in favour of the petitioner is subsisting. There shall be no order as to costs.

22.02.2005

Note: Issue wire at party's costs.

(B/o)

Jsu

To

1 The Mandal Revenue Officer, Maddipadu, Maddipadu Mandal, Prakasam District.

2 2 CCS to the G.P. for Civil Supplies, High Court Buildings,

Hyderabad. (OUT)

3 2 CD copies.